

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES A. BIGELOW,

Plaintiff,

vs.

NORTHWEST TRUSTEE SERVICES,  
INC.;

GREEN TREE SERVICING, LLC.,

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, Inc.,

DOE DEFENDANTS 1 - 20

Defendants.

Case No.: 3:14-cv-05798-BHS

**JOINT CONFERENCE AND  
SCHEDULING REPORT**

Pursuant to the Court's Order dated October 7, 2014, the Plaintiff submits the following Joint Status Report and Discovery Plan. Defendants did not confer in good faith and refused to compromise and sign a proposed report even though the Plaintiff agreed to shorten his discovery time but not to the unrealistic time frame proposed by the Defendants:

**1. A statement of the nature and complexity of the case.**

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James A. Bigelow  
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Plaintiff alleges that defendant/s violated the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692 *et seq*, Washington State Deed of Trust Act (WDTA) RCW § 61.24 *et seq*, Washington Consumer Protection Act (WCPA) RCW § 19.86 *et seq*, in the course of collecting an alleged but non-existent debt. Defendants deny these allegations. It is not anticipated that this case will be unusually complex.

**2. A proposed deadline for the joining of additional parties.**

Plaintiff proposes August 2, 2015. Defendants propose waiting for the Court's decision on MERS' Motion for Judgment on the Pleadings.

**3. Magistrate Judge.**

No.

**4. Discovery Plan.**

**(A) Initial Disclosures.**

Initial Disclosures have not been exchanged. Plaintiff proposes exchange of initial disclosures by February 9, 2015.

**(B) Subjects, Timing, and Potential Phasing of Discovery.**

Plaintiff plans to conduct initial discovery regarding the process for collection of debts, verification, processing and accountability of documents, foreclosure process.

The parties anticipate conducting discovery in phases. The Plaintiff proposes seven (7) months to complete discovery. The Defendants propose three (3) months to complete discovery.

**(C) Electronically Stored Information.**

The parties have discussed and agreed upon the preservation and production of relevant discoverable information. The parties do not anticipate any other discovery

1 of electronically stored information, but reserve the right to revisit this issue as  
2 discovery progresses. Electronic documents shall be produced in PDF format where  
3 available and recordings shall be produced in native formats on CD or DVD.

4 **(D) Privilege Issues.**

5 The parties have not reached any agreements regarding the assertion of claims of  
6 privilege or protection of trial preparation material after production. The parties will  
7 inform the Court if any such agreement is made. The Plaintiff proposed entering into  
8 a confidentiality agreement, but was met with resistance. The Defendants have  
9 explicitly refused to enter into such an agreement, but rather insisted in expressly  
10 retaining their right to assert claims of privilege or protection of documents.

11 **(E) Proposed Limitations on Discovery.**

12 **(1) Amendment of Pleadings:** The Plaintiff proposes that the deadline to bring any  
13 motions to amend the pleadings, to file motions for class certification to this case  
14 be August 2, 2015. The Defendants propose that any amendment to the pleadings  
15 will be set forth before the Court by motion.

16 **(2) File and Hear Motions:** The Plaintiff proposes that the deadline for filing  
17 dispositive motions be December 2, 2015; that the deadline for responses to  
18 dispositive motions be December 16, 2015; and that replies be due December 30,  
19 2015. The Plaintiff proposes that the deadline for motions in limine be January 13,  
20 2016. Defendants propose eliminating paragraph (2).

21 **(3) Expert Disclosures:** Plaintiff proposes by July 22, 2015, parties shall exchange  
22 expert witness summaries and reports as required by Local Rule LCR 39.2.  
23 Defendants propose eliminating paragraph (3).  
24  
25

1       **(F) The Need for Any Discovery Related Orders.**

2               None at this time, but the Plaintiff believes that Motions to Compel will become  
3               necessary.

4       **5. Local Civil Rule 26(f)(1).**

5               **(A) Prompt Case Resolution.**

6               The parties will discuss settlement in good faith and will inform the Court if any  
7               settlement is reached. However, settlement was not discussed during the 26(f)  
8               conference.

9               **(B) Alternative Dispute Resolution.**

10              The parties have not reached a consensus with respect to ADR, but will inform the  
11              Court if there is an intent to enter into ADR negotiations.

12              **(C) Related Cases.**

13              None, however Green Tree Servicing LLC has filed a Counter-Claim and Third Party  
14              Complaint for a judicial foreclosure (which is a state issue) in Federal Court on or  
15              about January 8, 2015 as Docket Item No. 26.

16              **(D) Discovery Management.**

17              At this time, the parties do not expect significant or protracted discovery. The parties  
18              agree to cooperate in a manner that minimizes expenses while preserving each side's  
19              ability to make their claims and defenses.

20              **(E) Anticipated Discovery Sought.**

21              The parties anticipate doing written discovery and depositions.

22              **(F) Phasing Motions.**

23              None at this time.

**(G) Preservation of Discoverable Information.**

The parties have discussed preservation policies and do not anticipate any issues.

**(H) Privilege Issues.**

The Plaintiff anticipates possible issues; however, all named defendants propose retaining and preserving all rights to assert claims of privilege or protection of documents. Plaintiff has proposed a Confidentiality Agreement to minimize the need for possible motions to compel, but was met with resistance by Defendants.

**(I) Model Protocol for Discovery of ESI.**

The Plaintiff does not propose any changes to the model protocol. The Defendants propose eliminating paragraph (I).

**(J) Alternatives to Model Protocol.**

Plaintiff sees none at this time. The Defendants propose eliminating paragraph (J).

**6. The date by which discovery can be completed.**

The Plaintiff proposes September 2, 2015. The Defendants propose April 15, 2015.

**7. Whether the case should be bifurcated by trying the liability issues before the damages issues, or bifurcated in any other way.**

At this time, the parties do not believe that the case should be bifurcated.

**8. Whether the pretrial statements and pretrial order should be dispensed with in whole or in part for the sake of economy.**

No.

**9. Whether the parties intend to utilize the Individualized Trial Program.**

No.

**10. Any other suggestions for shortening or simplifying the case.**

1 None at this time.

2 **11. The date the case will be ready for trial. The Court expects that most civil cases will**  
3 **be ready for trial within a year after filing the Joint Status Report and Discovery**  
4 **Plan.**

5 The parties have not reached an agreement on a date at this stage of litigation.

6 **12. Whether the trial will be jury or non-jury.**

7 Plaintiff demands a jury.

8 **13. The number of trial days required.**

9 The Plaintiff estimates three to four days. The Defendants estimate two to three days.

10 **14. The names, addresses, and telephone numbers of all trial counsel.**

11 For Mr. Bigelow:  
12 James A. Bigelow  
13 10018 Cascadian Ave SE  
14 Yelm WA 98597  
15 360-790-2568

16 For Green Tree Servicing, LLC and Mortgage Electronic Registration Systems, Inc.:  
17 Renee M. Parker  
18 Wright, Finlay, & Zak, LLP  
19 4665 MacArthur Blvd, Suite 200  
20 Newport Beach California 92660  
21 949-610-7023

22 For Northwest Trustee Services, Inc.:  
23 Joseph H. Marshall  
24 RCO Legal, P.S.  
25 13555 SE 36<sup>th</sup> St, Suite 300  
Bellevue Washington 98006  
425-458-2121

22 **15. The dates on which the trial counsel may have complications to be considered in**  
23 **setting a trial date.**

24 None at this time.

25 **16. Service.**

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1 GTS, MERS, and NWTs have been served.

2 **17. Whether any party wishes a scheduling conference before the Court enters a**  
3 **scheduling order in the case.**

4 No.

5 **18. Corporate Disclosure Statements.**

6 Corporate Disclosure statements have been filed by Defendants.

7 DATED: February 4, 2015.

8  
9 JAMES A. BIGELOW

10  
11 By /s/ James A. Bigelow  
12 James A. Bigelow  
13 Plaintiff pro se

14 WRIGHT, FINLAY, & ZAK, LLP

15  
16 By Defendants Do Not Agree and Have Refused to Sign  
17 Renee M. Parker, WSBA No. 36995  
rmparker@wrightlegal.net

18 Attorney for Defendants Green Tree Servicing, LLC and Mortgage Electronic  
19 Registration Systems, Inc.

20 RCO LEGAL, P.S.

21  
22 By Defendant Does Not Agree and Has Refused to Sign  
23 Joseph H. Marshall, WSBA No. 29671

24 Attorney for Defendant Northwest Trustee Services, Inc.

25 **CERTIFICATE OF SERVICE**

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1  
2 I CERTIFY UNDER PENALTY OF PERJURY under the laws of the State of  
3 Washington that the foregoing is true and correct and that a copy of the foregoing has been  
4 electronically provided to Renee M. Parker, Esq., and Joseph H. Marshall, Esq.

5  
6 Dated this 5th day of February, 2015.

7  
8 /s/ James A. Bigelow  
9 James A. Bigelow  
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